DAILY EDITION, for 6 months,

HON. ALEX. H. STEPHENS,

Delivered before the Georgia Legislature, on Wednesday night. March 16th, 1864, and reported for the Atlanta Intelligencer by A. E. MARSHALL, and revised by himself.

At the hour of 71 o'clock, P. M, the Hall had Legislature and citizens generally, and as the vast assemblage within saw the beloved form of Georgia's proud and noble son, every eye' grew bright with joy, and a hearty and unanimous applause bid him

Mr. Stephens ascended the Speaker's stand and spoke as follows:

Gentlemen of the Senate and

House of Representatives: In compliance with your request, or at least with that of a large portion of your respective bodies, I appear before you to night to speak of the state of public affairs. Never, perhaps, before, have I risen to address a public audience under circumstances of 5) much responsibility, and never did I feel more deeply impressed with the weight of it. Questions of the most momentous importance are pressing upon you for consideration and action. Upon these I am to address you. Would that my ability, physically, and in all other respects, were commensurate with the magnitude of the occasion. We are in the midst of dangers and perils. Dangers without and dangers within. Scylla on the one side and Chary. bdis on the other. War is being waged against us by a strong, unscrupulous and vindictive foe; a war for our subjugation, degradation and extermination. From this quarter threaten the perils without .-Those within arise from questions of policy as to the best means, the wisest and safest, to repel the enemy, achieve our independence, to maintain and keep secure our rights and liberties. Upon the decision of these questions, looking to the proper development of our limited resources, wisely and patriotically, so that their entire efficiency may be exerted in our deliverance, with, at the same time, a watchful vigilance to the safety of the citadel itself, as much depends as upon the skill of our commanders and the valor of our citizen soldiers in the field. Everything dear to us as freemen is at stake. An error in judgment, though springing from the most patriotic motives, whether in councils of war or councils of state, may be fatal. He, therefore, who rises under such circumstances to offer words of advice, not only assumes a position of great responsibility, but stands on dangerous ground. Impressed profoundly with such feelings and convictions, I should shrink from the undertaking you have called me to, but for the consciousness that where duty leads no one should ever fear to tread. Great as are the dangers that threaten us, perilous as is our situation-and I do not intend to overstate or understate, neither to awaken undue apprehension, or to excite hopes and expectations never to be realized. Perilous, there fore, as our situation is, it is far, far from being desperate or hopeless, and I feel no hesitation in saying to you, in all frankness and candor, that if we are true to ourselves, and true to our cause, all will yet

In the progress of the war thus far, it is true there is much to be seen of suffering, of sacrifice and of to death, States have been overrun and whole popuall these things a e seen and felt, but in them noths ing is to be seen to cause dismay, much less despair;

advantages that nature has given them, and fight on | Congress. their own ground and in their own element. The lion, though king of the forest, cannot contend sucs are still held against the most formidable naval arma- wise and judicious.

ment ever put affoat.

power, land and naval. that can be brought to bear | teen and fifty, and by which the State is to be dein combination—all their energy, rancour and ven. prived of so much of its labor and stripped of the gence. " Carthago delenda est" is their vow as to this devoted city. E ery means that money can sents a much graver question. This whole system command an ingenuity suggest, from the hugest of conscription I have looked upon from the beengines of war never before known to the flendish tesort of Greek fire, have been and are being ap- policy. Contrary opinions, however prevailed. plied for its destruction. For nearly nine months But whatever differences of opinion may have been the city, under the skill of our consummate coms entertained as to the constitutionality of the previous mander, his subordinates, and the heroic virtues of our matchless braves in the ranks, still holds out little difference can exist as to the unconstitutionalagainst all the disadvantages of a defence without ity of this late act. The act provides for the arsuitable naval a'd. That she may continue to hold out, and her soil never be polluted by the unhallowed foot print of her vandal besiegers, is, of course, armies. But in fact, they are to be organized neiththe carnest wish of all. But even if so great a dis- er as militia or part of the regular army. We have aster should happen to us as the loss of Charleston, but two kinds of forces, the regular army and the be not dismayed, indulge no sentiment akin to that militia-this is neither. The men are to be raised lose that place, Savannah, Mobile, Wilmington, and effects are to be appointed as if they were militia. even Richmond, the seat of the government, and If they were intended as militia, they should have still survive. We may lose all our strong places - been called out through the Governor, in their have lately d no in Mississippi, and we may still cannot be officered as the act provides. It is most survive We should, even under such calamities, clearly unconstitutional. Who is to commission Georgia, Virginia and other States, were overrun and occupied by the enemy as completely as Kentucky, Missouri, Louisiana, and Tennessee are now. Take

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courage from the example of your ancestors -disass ters caused with them nothing like dismay or despair-they only aroused a spirit of renewed energy and fortitude. The principles they fought for, suffered and endured so much for, sre the same for which we are now struggling. State Rights, State sovereignty, the great principle set forth in the declaration of independence—the right of every State been filled to its utmost capacity by members of the to govern itself as it pleases. With the same wisdom, puten e forecaste and patriotism, the same or equal statesmanship on the part of our rulers in directing and wielding our resources, our material of war, that controlled public affairs at that time, in the camp and in the cabinet, and with the same spirs it animating the breast of the people, devotion to liberty and right, hatred of tyranny and oppression, affection for the cause for the cause's sake; with the same sentiments and feelings on the part of rulers and people in these days as were in those, we might and may be overrun as they were; our interior may be penetrated by superior hostile armies, and our country laid waist as theirs was, but we can never be conpuered, as they never could be. The issue of war depend quite as much upon statesmanship as generalship; quite as much upon what is done at the council board as upon what is done in the field. Much the greater part of all wars; is business-pla n practical every day-life business; there is in it no art or mystery or special knowledge, except good, common senre-this relates to the finances, the quartermaster's and commissary's departments, the ways and means proper-in a word to the resources of a country and its capacities for war. The number of men that can be spared from production, without weakening the aggregate strength-the prospect of supplies, subsistance, arms and munitions of all kinds. It is as necessary that men called out should be armed, clothed, shod and fed, as that they should be put in the field -subsistence is as essential as men. At present we have subsistence sufficient for theyerr, if it is taken care of and managed with economy. Upon a moderate estimate, one within reasonable bounds, the tithes of wheat and corn-for last year were not less, in the States cast of the Mississppi (to say nothing of the other side,) than eighteen million bushels. Kentucky and Tennessee are not included in this estimate. This would bread an army of five hundred thousand men and one hundred thousand horses for twelve months, and leave a considerable margin for waste or loss. This we have without buying or impressing a bushel or pound. Nor need a bushel of it be lost on account of the want of transportation from points at a distance from railroads. At such places it could be fed to animals, put into beef and pork, and thus lessen the amount of these articles of food to be bought. Upon a like estimate the tithe of ment for the last year will supply the army for at least six months—rendering the chase of this article necessary for only half the year, -the surplus in the country, over and above the tithes, is ample to meet the defiency. All that. is wanting is men of business capacity, honesty, integrity, economy and industry in the management and control of that department. There need be no fear of the want of subsistence this year, if our officials do their duty. But how it will be next year, if the policy adopted by Congress, at its late session, is

carried out, no one can safely venture to say. This brings me to the main objects of this addesolation; much to sicken the heart and cause a dress, a review of those acts of Congress to which blush for civilization and Christianity. Cities have your attention has been specially called by the Govbeen taken, towns have been sacked, vast amounts ernor, and on which your action is invoked. These of property have been burned, fields have been laid are, the currency, the military, and the habeas corwaste, records have been destroyed, churches have pus suspension acts. It is the beauty of our system been desecrated, women and children have been dri - of government that all in authority are responven from their homes, unarmed men have been put sible to the people. It is, too, always more agreeable to approve than to disapprove what our agents lations made to groan under the heel of despotism; have done. But in grave and important matters, however disagreeable or even painful it may be to express disapproval, yet sometimes the highest duty these deeds of rain and savage barbarity have been requires it. No exceptions should be taken to this perpetrated only on the outer borders, on the coast, when it is done in a proper spirit, and with a view and on the line of the rivers, where by the aid of solely for the public welfare. In free governments their ships of war and gunboats the enemy has had men will differ as to the best means of promoting the advantage; the great breadth of the interior - | the public good. Honest differences of opinion the heart of our country-has never yet been reach. should never beget ili-feelings, or personal alienaed by them; they have as yet, after a struggle of tions. The expressions of differences of opinion do near three years, with unlimited means, at a cost of no harm when truth alone is the object on both not less than four thousand millions of dollars (how | sides. Our opinions in all such discussions of pub. much more is unknown) and hundreds of thousands | lic affairs should be given as from friends to friends. of lives, been able only to break the outter shell of as from brothers to brothers, in a common cause .the Confederacy. The only signal advantages they We are all launched upon the same boat, and must have as yet gained have been on the water, or where ride the storm or go down together. Disagreetheir land and naval forces were combined. That ments should never arise, except from one cause—a they should have gained advantages under such cir- difference in judgment, as to the best means to be cumstances, is not a matter of much surprise. Na. adopted, or course to be pursued, for the common tions in war, like individual men or animals, show safety. This is the spirit by which I am actuated their real power in combat when they stand upon the in the comments I shall make upon these acts of

As to the first two of these measures, the Tax Act and Funding Act, known together as the financessfully with the shark in the water. In no conflict | cial and currency measures, I simply say, in my of arms away from gunboats, during the whole war, judgment, they are neither proper, wise or just .since the first battle of Manassas to that of Ocean | Whether in the midst of conflicting views, in such Pond, have our gallant soldiers failed of victory when | diversity of opinion and interests, anything better the numbers on each side were at all equal. The | could be obtained, I know not-perhaps not. With farthest advance into the interior from the base and | that view we may be reconciled to what we do not protection of their gunboats, either on the coast or approve. It is uspless now to go into discussions of the rivers, that the enemy has been able to make for how better measures might have been obtained, three years, was the late movement from Vicksburg or how bad ones might have been avoided—the to Meridian, and the speedy turn of that movement | whole is a striking illustration of the evils attenshows nothing more clearly the difficulties and ding first departures from principle-the "facilis disadvantages attending all such; these things should | descensus Averno." Error is ever the prolific source be noted and marked in considering our present situ- of error. Our present financial embarrassments ation and the prospects of the future. In all our had their origin in a blunder at the beginning, but losses up to this time, no vital blow has ever been | we must deal with the present, not the past. These given either to our cause or our energies. We still two acts make it necessary for you to change your hold Richmond, after repeated efforts to take it, both | legislation to save the State from loss. As to the by force and strategy. We still hold on to the Gulf, course you should adopt to do this I know of none Mobile, and on the ocean front, Wilmington, Savans better than that recommended by the Governor .nah and Charleston. These places have been, and His views and suggestions on this point seem to be

The military act by which conscription is extend-At Charleston the enemy seem to direct all their ed so as to embrace all between the ages of sevenmost efficient portion of her enro led militia, preginning as wrong, radically wrong in principle and Conscript Acts, it seems c'ear to my mind that but ganizing of troops of an anomalous character-partly as militia and partly as a portion of the regular of despair-Charleston is not a vital part. We may as conscripts for the regular forces, while their the enemy may traverse our great interior as they present organizations-if as regular forces they be no worse off than our ancestors were in their these officers? The Governor cannot, for they are struggle for independence. During the time that taken from under his control; the President cannot "tried men's souls" with them, every city on the constitutionally do it, for he can commission none coast, from Boston to Savannab, was taken by the except by and with the advice and consent of the enemy. Philadelphia was taken, and Congress driven | Senate. It is for you to say whether you will away. Sonth-Carolina, North Carolina, portions of turn over these forces and allow them to be con-

ests, or for the execution of your laws, and to be the privilege of the writ of habeas corpus in this called out for the public defense in case of emer- act, is in utter disregard in the very face and teeth gency by the Governor when he sees the necessity, of these restrictions, as much so as a like attempt in or when they are called for as militia by the Prestime of profound peace would be in disregard of the ident. The act upon its face, in its provisions for restrictions to cases of rebellion and invasion, as details, seem to indicate that its object is not to put the Constitution was originally adopted. It atthe whole of them in the field. Nothing could be tempts to provide for depriving persons "of liberty, more ruinous to our cause if such were the object without due process of law." It attempts to annul and intention and should it ever be carried into ef | and set at naught the great constitutional " right' fect. for if all the white labor of the country, of the people, to secure in their persons against from seventeen to fifty-except the few exceptions "unseasonable seizures." It attempts to destroy stated - be called out and kept constantly in the and annihilate the bulwark of personal liberty, sefield, we must fall sooner or later, for want of sub- cured in our great chart to the humblest as well as sistence and other essential supplies. To wage war the highest, that "no warrants shall issue but upon successfully, men at home are as necessary as men probable cause, supported by oath or affirmation," in the field. Those in the field must be provided and "particularly describing the person to be seized." for, and their families at home must be provi ded for. In my judgment, no people can success- distribution of power in our system of government. fully carry on a long war, with more than a third It attempts to deprive the Judiciary Department of of its arms bearing population kept constantly in its appropriate and legitimate functions, and to conthe field, especially if cut off by blockade, they are fer them upon the President, the Secretary of War, thrown upon their own internal resources for all and the General Officer commanding the Transnecessary supplies, subsistence and munitions of Mississippi Department, or rather to confer them war. This is a question of arithmetic on well set - entirely upon the President, for those subordinates tled problems of political economy. But can we named in the act hold their places at his will, and succeed against the hosts of the enemy unless all in arrests under this act are to be governed by his able to bear arms up to fifty years of age are called orders. This, by the Constitution, never can be to and kept in the field? Yes, a thousand times, done. Ours is not only a government of limited yes, I answer, with proper and skillful management. | powers, but each department, the legislative, execif the war last long. The success of Greece against issuing of warrants, which are nothing but orders the invasion by Persia-the success of the Nethers for arrest against civilians or persons in civil life, is lands against Philip-the success of Frederick a judicial function. The President under the Conagainst the allied powers of Europe-the success of stitution has no power to issue any such. As comthe Colonies against Great Britain, all show that it mander in chief of the land and naval forces, and cannot be done. If our only hope was in match. the militia when in actual service, he may order ing the enemy with equal numbers, then our cause arrests for trials before court martials, according to would be desperate indeed Superior numbers is one the rules and articles of war. But he is clo hed of the chief advantages of the enemy. We must with no such power over those not in the military avail ourselves of our advantages. We should not service, and not subject to the rules and articles of ded people have many advantages that may be re- functions, and in a judicial character to do what no sorted to to counterbalance superiority of numbers. Judge, under the Constitution, can do: issue orders These should be studied, sought and brought into or warrants for arrest, by which persons are to be

do something as well as muskets. embodied in this act, if the object really be, as its | This, under the Constitution, in my judgment cans all between the ages of seventeen and fifty, except upon our Chief Magistrate. There is no such thing the exempts named. On that line we will most as known in this country as political warrants, or suredly, sooner or later, do what the enemy never "lettres de catchet." This act attempts to institute could do, conquer ourselves. And if such be not the this new order of things so odious to our ancestors. object of the act—if it is only intended to conscript and so inconsistent with constitutional liberty. men not intended for service, not with a view to fill This act, therefore, is unconstitutional, not bethe army, but for the officials to take charge of the cause Congress has not power to suspend the privieneral labor of the country and the various neces | lege of the writ of habeas corpus, but becau sary avocations and pursuits of life, then the act is have the power to do the thing aimed at in this at-

ous in its tendency the suspension of the writ of habeas corpus in certain jectionable. Georgia, in the Convention, voted cases. This is the most important, as it is by far the against the clause conferring it in the Constitution most exciting questian before you. Upon this dee or originally adopted—that, perhaps, was a wise and pends the question, whether the courts shall be per- prudent vote. But, with the restrictions subsemitted to decide upon the constitutionality of the late | quently adopted, there can be no well-grounded ob-Conscript Act, should you submit that question to jection to it. It is, under existing restrictions, a their decision, and upon it also depend other great wise power. In time of war, in cases of rebellion upon its face, confers upon the President, the Secretary of War, and the General commanding in the pared to say that the public safety may not require trans- Mississippi Department, (the two latter acting under the control and authority of the President) the power to arrest and imprison any person who privilege of the writ at this time, or Congress to may be simply charged with certain acts, not all of them even crimes under any law; and this is to be done without any oath or affirmation alleging prob able cause as to the guilt of the party. This is attempted to be done under that clause of the Constitution which anthorizes Congress to suspend the privilege of the writ of habeas corpus, in certain ca-

In my judgment, this act is not only unwise, im politic and unconstitutional, but exceedingly dangenous to public liberty. Its unconstitutionality does not rest upon the idea that Congress has not got the power to suspend the privilege of this writ, nor upon the idea that the power to suspend it is an implied one, or that clearly implied powers are weaker as a class and subordinate to others positively and

directly delegated. I do not understand the Executive of this State to put his argument against this act upon any such grounds. He simply states a fact, as it most clear-

the person or thing to be seized." All admit that under the clause as it stands in the in the community might seize for any motive, or any ortginal grant, with the restrictions there set forth, purpose another, and confine him most wrongfully the power can be rightfully exercised only in cases and shamefully. Combinations of several against a powers previously delegated, conferring the power to suspend the privilege of the ed-all personal security and personal safety wo ld law." And further, "the right of the people to be upon personal rights must issue under a lim the persons or things to be seized."

The attempted exercise of the power to suspend terms - "The only suspension of the privilege of the

Nay, more, it attempts to change and transform the If we cannot with a such a call, we cannot with it, utive and judicial, are separate and distinct. The rely for success by playing into his hand. An inva- war. This act attempts to clothe him with judicial active co-operation. To secure success, brains must deprived of their liberties, imprisoned, immured in dungeons, it may be without any oath or affirmation. Of all the dangers that threaten our ultimate suc even as to the probable guilt of the pirty accused cess, I consider none more imminent than the policy or charged with any of the offences or acts stated. broad term declare, to put and keep in active service not be done. Congress can confer no such power

not only wrong in principle but exceedingly danger. tempted exercise of it. Congress can suspend the privilege of the writ-the power is clear and un-I come now to the last of these acts of Congress; questioned-neither is the power, as it stands, obessential rights enjoyed by us as freemen. This act, or invasion, it may often be necessary to exercise it-the public safety may require it. I am not preit now. I am not informed of the reasons which induced the President to ask the suspension of the undertake its suspension as provided in this act. , however, know of no reasons that require it, and have heard of none. But in the exercise of an undisputed power, they have attempted to do just what cannot be done-to authorize illegal and unconstitutional arrests There can be no suspension of the writ, under our system of government, against inconstitutional arrests—there can be suspension allowing, or with a view to permit and authorize, the seizure of persons without warrant issued by a judicial officer upon probable cause, supported by oath or affirmation - the whole Constitution must be read together, and so read and so construed as that every part and clause shall stand and have its proper effect under the restrictions of other clauses.

If any conflict arises between clauses in the original and the amendments subsequently made, the original must yield to the amendments, as a will previously made always yields to the modifications of a codicil. Such, of course, was the condition of the old ly is, that the power to suspend at all is an implied Constitution with its amendments, when the States power. There is no positive direct power delegated of this Confederacy adopted it-and it was adopted to do it. The power, however, is clear and clear only by these States with the meaning, force and effect by implication. The language of the Constitution is it then had. In construing, therefore, those parts of that "the privilege of the writ of habeas corpus shall the old Constitution which we adopted, we stand just not be suspended unless, when in cases of rebellion where we should have stood under like circumstanor invasion, the public safety may require it," clear- | ces, under it. With these views it will clearly aply expresses the intention that the power may be pear that, under our Constitution, Courts cannot be exercised in the cases stated; but it does so by im- deprived of their right or be relieved of their duty to plication only, just as if a mother should say to her daughter, "you shall not go unless you ride." Here arising in the land and naval forces or in the militia, the permission and authority to go is clearly given. when in actual service-for the government of which This, and this only, I understand the Governor to a different provision is made in the Constitution .mean when he speaks of the power being an implied | Under a Constitutional suspension of the privilege one. He raises no question as to the existence of of the writ all the Courts could do, would be to see the power or its validity when rightfully exercised, that the party was legally arrested and held, upon but he maintains, as I do, that its exercise must be proper warrant, upon probable cause, supported by controlled by all other restrictions in the Constitu oath or affiirmation setting forth a crime or some vition bearing upon its exercise. Two of these are to olation of law. Literally and truly, then, the only be found in the words accompanying the delegation. effect of a Constitutional exercise of this power over It can never be exercised except in rebellion or in the writ of habeas corpus by Congress, is to deprive vasion. Other restrictions are to be found in other a person, after being legally confined, of the privilige parts of the Constitution in the amendments to the of a discharge before trial by giving bail, or on ac Constitution adopted after the ratification of the count of insufficiency of proof as to probable cause, words as above quoted. These amendments were or other like grounds. This privilige only can be made, as is expressly declared in the preamble, to suspended, and not the writ itself. The words of the add "further declaratory and restrictive clauses," to Constitution are aptly chosen to express the purpose prevent misconstruction or abuse of the powers pre- and extent to which a suspension can go in this counviously delegated. To understand all the restrictions, try. With this view the power is a wise one. I therefore, thrown around the exercise of this power can work no serious injury to the citizen, and it sufin the Constitution, these additional "restrictive ficiently guards the public safety. The party against clauses" must be read in conjunction with the whom a grave accusation is brought, supported by original grant whether that was made positively and oath or affirmation, founded upon probable cause, directly or by implication only. These instructions, must be held for trial, and if found to be guilty is to among other things, declare that "no person shall be punished according to the nature of his offence be deprived of life, liberty or property without due The monstrous consequences of any other view of process of law," and that "the right of the people to the subject are apparent. The exercise of the powbe secure in their persons, houses, papers and effects, er by Congress may be either general or limited to against unreasonable searches and seizures shall not special cases as in this instance. If it had been genbe violated, and no warrants shall issue but upon eral under any other view, what would have been probable cause supported by oath or affirmation, and the condition of every citizen in the land? The particularly describing the place to be searched, and weaker would have been completely in the power of the stronger without remedy or redness. Any one

of rebellion or invasion. With these additional clau few might be formed for a like purpose, and there ses, put in as further retrictions to prevent the abuse of nowers previously delegated, how is this clause of licensed lawnessness. The Courts would be closwrit of habeas corpus, now to read? In this way, be swept away. Instead of a land of laws, the whole and in this way only: "The privilige of the writ of habeas corpus shall not be suspended, unless when main—a perfect Alsatia. This would be the inev in cases of rebellion or invasion the public safety itable effect of the exercise of the power, by a genmay require it." And no person "shall be depriveral suspension, with any other view of the subject ed of life, liberty or property without due process of than this presented. The same effects as to outrages secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not any other view. No such huge and enormous wrongs be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and matter is well stated by the Govenor in his late message, in the brief comprehensive, but exact

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writ of habens corpus known to our Constitution and compatible with the provisions, already quote goes to the simple extent of preventing the releas : under it, of persons whose artests have been ordered under constitutional warrents from judicial authority.

On this subject much light is to be derived from

English history. Our whole system of constitution al liberty rests upon the principles established by our Anglo Saxon ancestors. But between their system and ours, there are several differences that should be noted and marked-and none more strik ing and fundamental than the difference between the two upon this subject. With them the right of personal security against illegal arrests, was wrested from the Crown by the Parliament, and established by Magna Charta, the bill of rights, time abolition of the star chamber, and the grant of the writ of habeas corpus, which is the means of re dress against violations of law, and other wrong against rights secured and acknowledged. In the abolition of the court of star chamber, the power was taken from the King, his heirs and successors forever, and every member of his privy council, to make any arrest of any person for any offense or alleged crime, except by die process of law. By this act, the power of the King to issue warrants orders of arrest, unsupported by oath or affirm ation, setting forth probable cause, which before had been claimed as a royal prerogative, was taken away from him and his successors forever. The ruling monarch Charles I, gave his consent to the act. and yielded the power. He afterwards broke his pledge. Civil commotions ensued from this and other causes. He lost his head upon the block --The subsequent history of that strife between the people and the Crown of England, on this and other matters is not now pertinent to the object before us. Suffice it to say that it ended in the settlement as it, is termed between the Parliament and their new sovereigns, William and Mary -in 1688 '89. In this settlement, all the ancient rights and liberties of the English people, including the right of the writ of habeas corpus, were re affirmed and secured. Such were the liberties inherited as birth-right, that our British ancestors brought with them to this continent. The principles established in England, after centuries of struggle and blood, formed the basis upon which the great structure of American constitutional liberty was erected. But the striking difference between their system and ows to which I have alluded and which should never be lost signt of, is that with them, all power originally belonged to the Crown. All rights and liberties were grants from the Crown to the Parliament, and through them to the people, while with us all power originally belonged to the people - and essentially, still resides with them. They have appointed agents to perform the functions of government in the different departments, executive, judicial and legislative, under the form of government set forth in the Constitution, clothed with the exercise of certain delegas ted, specific and limited powers In England it is competent for the Parliament at any time to retuto the Crown all the powers heretofore extort. from their kings. They can repeal any day Magn Charter, the hebeas corpus act, and the whole bi of rights, and render the ruling monarch as absolut es either of the Tudors and Stuarts ever claimed wished to be. The principles of Magna Charta ... to personal liberty and the right of the writ of haheas corpus to secure these rights are put in our fundamental laws, and cannot be violated by Congress, for their powers are limited, and they are hemselves bound by the Constitution. That the British people would ever submit to a surrender of their rights by Parliament, no one can for a moment believe. But Parliament claims to be omnipotent and could make the surrender, if they choose to run the risk. Hence analogies between this country and that, on the suspension of the writ of habeas corpus and the effects of such suspension, either generally or specially, should be closely scanned; even in England, so great is the regard for lib crty, suspensions have been rare since the settle. ment of 1688-'89. The writ was suspended there in 1715 and in 1745-and in 1788 it was suspended in Ireland with the power conferred on the lord lieutenant to make arrests. Under the system of government in England, the Parliament could confer this power upon the Crown or the lord lieutenant, or upon any other person they saw fit. Not so with our Congress, under our Constitution. In criticisms upon the Governor's message, these suspensins have been allu led to against the positions if the message. They are not in conflict at all .-What the Governor states is that he is not aware of any "instance in which the British King has ordered the arrest of any person in civil life in any other manner than by judicial warrant issued by our established courts of the nation, or in which he has suspended or attempted to suspend the privlege of the writ of habeus corpus, since the bill of rights and the act of settlement passed in 1689."-He did not say that Parliament had not suspended it, or that our Congress could not suspend it, in a proper way, but that even in England, where Pariament was unrestrained, that they had not, since the settlement, conferred upon the Crown the power to make arrests, so far as he was aware.

At this point I will briefly refer to the suspension by our Congress, alluded to the other night by the distinguished gentlemen, (Hon. A. II. Kcenan,) who lately represented inis district; a gentleman whose remarks I listened to with a great deal of interest, and whose personal friendship I esteem so highly. He refered to the act of the Confederate Congress. passed October 13, 1862, and asked-Why were there no objections made to that? This act he read. have it before me. It provides that the "President, during the present invarion, shall have the power to suspend the privilege of the writ of habeas corpus in any city, town, or military district, whenever, in his judgment, the public safety may requre it; but such suspensions shall apply only to arrests made by the authorities of the Confederate government, or for offenses against the same," and in section 2d, that "the President shall cause proper officers to investigate the cases of all persons so arrested, in order that they may be discharged if improperly detained, unless they can be speedily tried in due course of law." The 3d section limits the act to thirty days after the meeting of the next Congress.

[Concluded in our next.]

GEN. FORREST'S COMMAND. - The Miss ssipping learns from Gen. Forrest's Chief Q. M, that on the 28th ult. Forrest was at Jackson, West Tennessee, where his command was resting after their arduous and successful campaign, resulting in the capture of Paducah, Union City, Hickman, and other places, with vast quantities of military stores, which he succeeded in bringing to his own depots without any serious hinderance. His whole campaign was a series of triumphs, most important in results, not the least of which is the restored confidence of the people of West Tennesses, thousands of whom are daily flocks ing to his standard. In adition to the military stores captured, General Forrest brought away over 2000 fine horses and mules.

The Washington correspondent of the New York World intimates that Gen. Forrest's recent raid was planned in the North, and that supplies, clothing, etc., from New York and Cincinnati were shipped to l'aducah for the express purpose of being captured by Forre: t to clothe his men.

FOR GOVERNOR: Z. B. VANCE. OF BUNCOMBE

Speech of Hon. A. H. Stephens.

At the earliest practicable moment we hasten to epublish the speech of the Hon. A. H. STEPHENS, of Georgia, on the subject of habeas corpus.

It will be found an able and patriotic production, breathing the most unwavering devotion to the cause of Southern independence, and replete with true conservative sentiments.

While all loyal men deplore the slightest variance between those in authority, and deeply regret the circumstances which have placed the Vice-President in a position of open antagonism to the government; but few in this State will deny that the principles enunciated by him, accord with the true spirit of our institutions, and constitute, in fact, the very "foundation stone" of all real liberty.

in a mode less calculated, perhaps, to produce popular excitement, and to publish our internal dissentions to the world, Gov. VANCE anticipated Mr. Stephens in the expression of the very sentiments which now find such ardent advocates in those who oppose him and favor the election of another.

Long in advance of Mr. Stephens or Gov. Brown, it is a matter of official record, and no man can deny the fact, that Gov. VANCE in the name of liberty, law and the chartered rights of our people, protested against the suspension of the writ of habeas corpus, as a mea ure fraught with the most direful results to the country; and that he subsequently insisted that the President should not exercise the dangerous power so unwisely p'aced in his hands, within the limits of this State, or to the detriment of its citizens, because neither justice, necessity nor the interest of the Confederacy demanded such a course of conduct.

It is incontestably true, also, that he has always favored the speedy repeal of this obnoxious law; and that his personal and official influence have been freely and constantly exerted to the attainment of that most desirable end.

His whole administration has been devoted to the patriotic task of maintaining the supremacy of civil law, and in opposing the encroachments of military authority, as can be established by the records of the Executive department, which constitute a portion of the history of the State, and are public property.

In a word, hating despotism in all its forms, and sincerely desirous of preserving the institutions of his country in their purity and perfection, even amid the contaminations of a revolutionary cra, he has never failed to resist the slightest aggression on the part of those in authority, or faltered in bls advocacy of that independen e of thought, liberty of speech, freedom of the press, and jealousy of chartered rights which constitute the chief glory and attraction of a Republican form of government. Althe praise, therefore, which has been so freely lavished upon the positions assumed by Mr STEPHENS in his recent speech, belongs, as a matter of right, to Gov. VANCE, since he had taken them - though in a less ostentatious manner - months in adv nce, and has persistent ly adhered to them ever since.

Let the people remember, then, that our excellent Governor is the pioneer in that honored path which others are now attempting to appropriate—that the platform upon which his political opponents are endeavoring to stand for partisan ends, was first constructed by him in an honest effort to serve his country; and that the commendations which certain parties have so liberally bestowed upon Mr. STEPHENS, are really tributes to the wisdom, the patriotism and the true conservatism of Gov. VANCE, since the principles of these two great statesmen are identical.

SUCCESSES.

The Confederate arms have met with several decided successes of late. Tue Trans-Mississippi army under Gen. KIRBY SMITH has gained a complete vic tory. Gen. FORKEST has captured Paducah, Union city, Hickman and Fort Pillow, together with large quantities of military stores, and a great num ber of prisoners and horses. A sharp and favorable action has taken place at Winchester, Va. Two large steamers have been destroyed in St. John'sriver and another seriously damaged in the James. Wherever we have met the enemy they have been routed. These things, though not productive of any great results in themselves, should nevertheless give encouragement to the country, since they evince a spirit of determination on the part of our soldiers, which is the sure harbinger of still more splendid and telling achievements.

The army of Northern Virginia has a terrible ordeal of fire and blood to pass through within the next few weeks. The fate of the Confederacy depends upon its hero'sm. Its defeat will, in all probability, entail subjugation upon our people; while its success will do much to restore peace to our suffering country. Such mighty responsibilities never before rested upon brave men-such important issues never hung upon the chances of battle. Slavery or freedom-nationality or annihilation-the happiness or misery of millions yet unborn-are the alternatives which the fortnnes of the coming campaign must

For one we cannot believe that a defeat to Gen. LEE's army is a possible contingency. Victory must and will perch upon its honored banners. Its great leaders appreciate the circumstances which surround them, and are prepared to meet them. Its heroic soldiers-the brave veterans of many gory fields have aroused themselves to the importance of the work before them, and have swoin that the yoke of servitude shall never be imposed upon their country. All that skill, courage, and unwavering devotion to the great cause of liberty can accomplish, will be effected in this emergency; and a merciful God will to their enemies, and to secure for the Confederacy a place in the family of nations.

Away, then, with divisions, petty jealousies, and unmanly repinings; and let the hearts of our people imbibe fresh hope and confidence from the noble example of those who stand in the fore-front of danger, uncomplaining and unconqurable.

Though dark clouds hang heavily apon the horizon the sun of peace is shining brightly behind t em, and ere iong will burst forth in all its splender to cheer and revivify the land.

ELECTION RETURNS .- From the following letter, says the 1 rogress, from one of our special correspondents in Gen LEE's army, it will be seen that LEACH leads his competitors, as far as heard from, about one hundred votes:

. CAMP 48TH N. C. T. April 15th, 1864. DEAR PROGRESS: - Yesterday the vote was taken for members of Congress in the 7th District, and re sulted as follows, in Cooke's and Kirkland's brigades: Foster. Ramsay. Cooke's brigade, Kirkland's 170

Which gives Leach a majority of 49 in the two

The regiments voted as follows: 15th and 48th together, Leach 148, Foster 40, Ramsay 8; 46th, Leach 64, Foster 43, Ramsay 4; 27th, Leach 15, Foster 6, Ramsay 0; 44th, Leach 29, Foster 41, Ramsay 7; 26th, Leach 29, Foster 116, Ramsay 15; 52d, Leach 23, Foster 13, Ramsay 0. No vote in the 11th and 47th, Nothing from the front. HAL.

As far as heard from the vote stands thus: Foster. Ramsay. Leach. Cooke's brigade, 170 23 Kirkland's Camp Ho!mes, 46 Fair Grounds Hos.,

It must be borne in mind that Gen. LEACH never took ground against Gov. VANCE in his circular to the army, and that this vote is no index of the popular sentiment in regard to the Gubernatorial

PRACTICAL MISCEGENATION IN N. Y .- According o the New York correspondent of the City press, practical miscegenation is making astonish. ing headway in New York. The Philadelphia Press," of Saturday last, contains a letter from this city which tells the following curious story:

"There are several miscegenators of longer standing in our midst, and, singularly enough, they have attracted no peculiar attention to themselves previous to the present agitation of the subject.

"There are at present two ladies of wealth and former position-politics not known-who have black husbands, and who reside in this city without molestation or uppleasant notoriety. One was originally from Bridgeport, Connecticut, where her amily, a most respectable one, resides. The case of the sec nd is remarkable, and might furnish a page to romance. This lady is a starely, magnificent women, is possessing fine intellectual and moral endowments, and a culture in all that pertains to social accomplishments which, perhaps, is too rarely met with. She was an orphan, and possessed in her own right, property valued at fifty thousand deliars. "Some years ago, while riding in her carriage, she was thrown violently to the pavement, and ren dered insensible by the injuries which she sustained. The first man who reached her was black-purely Atrican. He took her to his mother's house, and when she was sufficiently revived, conveyed her home in a carriage. Every day during which the dy remained an invalled, the black called at the door, inquiring after her health. He sent her delcate presents and she accepted them. He proposed. and she accepted him They were married, bought a house, and, although living under one roof, have ever kept to their separate apartments. Not unfrequently they walk arm in arm through the streets. She still moves in her origional social sphere; he moves in his. The facts of the case are patent to all who know her, nor does she ever a tempt their concealment Perhaps it was gratitude which led her to contract the nominal marriage; perhaps it was fancy, or love We only have the result, while the reason is hidden. Certainly the affair does not come under the head of Miscegenation, but rather under that which Doctor Johnson use to call the aufractuosities of the human mind. None who know the lady pretend to censure her conduct, although many other acquaintences, indeed the great majori y of them, may reasonably be suspected of a loathing

for the vile theory referred to.' This is, says the "World," reducing the amalgamation theory to practice with a vengence. It is not perhaps so extraordinary that out of a million of people two women could be found with tastes so degraved as to accept negro husbands, but that they should be woman of wealth and refinement, and their conduct be approved by their acquaintences that is astonishing. It shows that the preaching of abolitionism and negro equality is having its effect in certain circles, and the natural repugnance of the white to the negro race has given place in Republican communities to a sentimental regard for them.

Even this letter writer throws an air of remance over the facts he gives, to make their subject matter palatable to the readers of the Republican Press. And so they go-the more radical Republicans leading the way, while those who call themselves conservatives, while vowing they will never consent, eventually consenting."

The Northern People are the best judges of their own necessities; and if the perfection of the race requires such an admixture let them have it ad li-

The mulatto will certainly prove a great improve ment on the Yankee, judging from the history of the last three years. Nothing, too, will be more facile than the transformation from a black heart to a black-skin and vice versa.

The Cross between the African and the Yankee will prove a fit task-master for those who desire such an institution. Subjugation may involve this degredation.

IMPRESEMENTS.

We desire to call the attention of our readers to the Order from the Adjutant General of this State, which is published in this mornings issue. Nothing, perhaps, has given more dissatisfaction to our citizens than the amoyances to which they have been subjected by the wanton an i illegal impressment of their property. The conduct of such officers as have thus wronged our people, and brought discredit upon their Government by acts which it never authorized, is deserving of the severest censure and the most pointed rebuke. In every instance where the attention of Gov VANCE has been called to these matters, he has taken active steps to secure either the return of the appropriated property or a proper indemnification for it. He is determined to use all the means in his power to prevent the repetition of such outrages in North Carolina.

OUR ENTERPRISE.

Our friends generally will accept our warmest thanks for the encouragement which they have so kindly and liberally displayed towards the "Con servative. Those to whom copies are sent, are real second had been completed when the succeeding one quested to act as agents for the paper, provided its came. The only wonder in all is what became of sentiments meet with their approval. Our office is in the building acj ining Mr. Pomerov's Book Store, where copies can be secured, and subscriptions left, rom this date.

Col. Frank Wolford, whose Yankee cavalry has been somewhat notorious in the West, recently made a speech at Lexington, where he was presented by some of his admire's with a sword, sash and spors hie denounceed Lincoln as a tyrant, and has been dismissed from the service.

Important from Below.

The following dispatch was received here yesterday by Gov. VANCE: ROCKYMOUNT, April 21st, 1864.

The land and water attack upon Plymouth, under Gen. Hoke and Commander Cook, was a complete success. Twenty five hundred prisoners, thirty pieces of ordinance, two gun-boats sunk, one small steamer capturel, stores and supplies of all kinds.

Telegrams.

As all Telegraphic Dispatches to the Press are copy-righted, we are unable at present to furnish the readers of this paper with the latest news res ceived in that way.

In a few days our arrangements with the Company will be perfected, and the difficulty alluded to, completely obviated. We ask the indulgence of the public in the interval.

ITEMS.

Army news. There is nothing of importance to chronicle, from Gen. Lee's army, at present. Vigorous preparations are being made to meet the enemy, and every thing progresses favorably.

Gen. Hoke is said to have been very successful in his attack upon Plymouth, N. C. At the last ac counts, he had taken several forts and was on the point of storming the most formidable one. Since writing the above, we have heard of his

complete success. THE CASE OF MR LONG .- The case of Long, of Ohio, has been disposed of Mr. Colfax withdrew his resolution to expel Mr. Long, and accepted Mr. Mr. Broomall's resolution of censure. The debate was very spirited, and the galleries were crowded with spectators. Finally the resolution censuring Mr. Long for declaring himself in favor of the recognition of the Southern Confederacy was adopted by a vote of eighty against seventy.

GEN PRICE IN COMMAND. —The Memphis Bulletin has published the order of Major General Price, in which he assumed command of the department of Arkansas. The Missouri troops in Demopolis Alabama, received the intelligence with enthusiastic

shouts, and firing of cannon. It is understood that they have signed a unanimous petition to the War Department to be sent

THE DANVILLE AND GREENSBORO' CONNECTION .-We are informed, says the Ecaminer, that the trains on the Piedmont railroad will be run entirely through, from Danville to Greensboro', by the first of June. At present they are running from Greensboro', nine and a half miles. There remais only about fourteen miles of the track to be laid, the greater portion being

The guage of the Piedmont railroad is the same as that of the Morth Carolina, which, as far as freights are in question, will make it greatly to the interes of shippers to send their produce in this dirention.

This connection is important, not only as a supplement to our military communications, but it will shorten the distance between Richmond and Charlotte, North Carolina, more than a hundred

A PRESIDENTIAL CONVENTION TO BE HELD AT CLEAVE. LAND, OHIO. - A dispatch to the Herald, from Washington states that arrangements had been definitely made for the meeting of a popular convention including delegations of the Republicans dissatisfied with the present Administration, to be held at Cleaveland, Ohio, about the 20th of May next It is proposed to nominate then and there a candidate for the Presidency. The peculiar advocates of the election of Mr. Lincoln are much more alarmed at this movement than at the prospect of either financial or military disasters.

Gold -On the 13th, gold went up to 279, but on the news that Chase had negotiated a loan of £3000,-000, in London, it fell to 175, but rallied and closed

The capture of Fort Pillow seems to be confirms ed, and so also is the Shreveport news to some ex

Grant puts down officially the loss at Missionary Ridge and Lookout Mountain at 600 killed, 4000 wounded and 700 missing. EX-PRESIDENT PIERCE .-- The Biblical Recorder

publishes the following note from Rev. Mr. Pritchard. "Last spring a prominent member of the church of which I was pastor in Baltimore, met at the

St. Nicholas, in New York, Ex-President Pierce. Mr. Pierce manifested the warmest sympathy for the South in this struggle for independence, declared that the only hope from freedom on this con. tinent was in the success of the Soutn; that old as he was he should have been in the Confederate Army but for the health of his wife, and that he desired no higher earthly honor toan to be a private in the ranks of the Southern army.

THE SITUATION .- The Herald bas the fo'owing remarks on military operations in its "sit-

General Grant was in close consultation with the President yesterd y morning. He will probably leave for the army to-day-The third division of the second corps, commanded by Gen Birney, was reviewed yesterday by Gen. Hancock, and presented a splendid appearance. General Meade was present, and complimented the division and its comman-

It was reported, but on vague authority, that the Rebels had been seen recently in the Biue Ridge.

Our news from North Carolina, is to the effect that Gen. Morgan is about to make a hold expedition to some quarter.

By the arrival of the Creole from New Orleans, we have interesting interligence from the Gulf. Rumors were rite to the effect that the rebel rams Missouri and Shreveport were blown up by their crews, on the 26th ult., to prevent their falling into the hands of the Union forces. This fact is stated by the Natchez Courier of the 1st inst. It was said that while a body of Union troops, numbering 200, were at breakfast near Alexandrea, they were surrounded and captured by General Dick Taylor.

A SHORT RULE -The easiest and shortest way to deduct the 331 per cent. on the old issue is to divide the amount by 2, and add the quotient to the dividend, and the product will be the amount in the new currency. For example: suppose a person owed you \$80, and wanted to pay you in the old currency, f you deduct the 331 divide the 30 by 2, and add the answer, which is 15, to the \$30, and you have the amount, which is \$45, in the old currency, to pay the debt of \$30 in the new. The same rule will ap ply to any number.

The Chicago Times says: " Calls for troops in ots of two and three hundred thousand men have become so common as not to excite the smallest sensation in the public mind. Within a few months three calls have been made for an aggregate of seven hundred thousand men, and neither the first nor the men. They go forth and seem to sink into the

Two gunboats ascended the Chickahominy river, twenty-seven miles, on Tuesday, 5th inst., but were so harrassed by Confederate cavalry that they were compelled to go back.

The New Orleans correspondent of the N. Y. Herald says that Farragut's fleet has withdrawn from the attack on Fort Powell, near Mobile.

Caro ine M. Kirkland, the celebrated authoress, died in New York on the 16th.

LETTER FROM GEN. BEAUREGARD. - The following letter his been received by the Committee in reply to the resolutions adopted at the meeting of Louis. ianians on the 19th ult., and forward d by them to Gen. Beauregard:

CHARLESTON, March 28th, 1864. Gentlemen-Accept for yourselves, and for the other officers and soldiers from Louisiana, who met with you at Mobile on the 19th instant, my heartfelt thanks for the lofty and touching sentiments expressed in the resolutions you were pleased to pass on the occasion of the sad event which has torn from me a most dear and beloved wife, and from the State to which she belonged, one of its brightest ewels and ornaments. Mrs. Beauregard died a martyr to our cause. Her continued and long separation from the chosen one of her heart, under the trying circumstances she shad to pass through, was more than her care-worn and enfeebled condition could endure. Yet she departed not from life with out giving utterance to her undimin shed devotion to that noble cause, and to her u shaken faith in its ultimate triumph. She was a true and fervent patriot. The foul breath of even the most vile among the vilest of our enemies never could taint the pure atmosphere that surrounded her.

How bright, how glorious I would deem the day on which it were given to me, at the head of my brave and so hard tried compatriots, to rescue, with her hallowed grave, the noble State that bestowed such honors upon her remains, from the footsteps of the foe who pollutes them by his presence.

With sincere esteem and Sincere acknowledgements, I remain, yours very truly,

G. T. BEAUREGARD, Major Hy. St. Paul, Capt. J. T. Purvis, Lieut. Chas. Arroyo, Committe, Mobile, Ala.

THE BRITISH AND THE FEDERALS -Lord Cornwalis, during the revolutionary war, issued orders, denouncing in the most emphatic and indignant terms the burning of houses and destruction of private property by some of his stragling soldiers, and consigning them to the severest punishments. So en ergetic was his determination to suppress these outrages that he halted his army on a march a whole day in order to inflict upon the offenders the death they deserved Tarleton, whose name became notorious in the Revolution for savage ferocity was not less active in visiting with extreme retribution such crimes against humanity. The soldiers were halted in long lines, and the inhabitants who complained of outrages were invited to pass along the lines and indentify the villians against who they complained. When this was done the offenders were taken out, and instead of being screened from justice, or their escaped connived at at, were instantly hung to the

Contrast this conduct of the British in the Revolution with that of the mildest of Yankee Generals in this war! No comment is necessary to show the total barbarity and depravity of the Abolition hordes with whom we are dealing. Let us hope that their day is coming, and that the retribution of three years of such war as they have carried on against this country is not far distant. - Augusta Sentinel and

on to Richmond" AGAIN. - The Washington correspondent of the New York World, under date of

Preparations fo: the grand movement on Richmond, which will now be delayed by the storm in Virginia, are going forward with quiet but vehes ment energy. The resorganization of the army of the Potomac has been gener lly perfected. General Baldy Smith will comman! two army corps, which are organizing at Fortress Monroe The troops un der his command will be pushed up the Peninsula, whilst the army of the Potomac keeps Lee's forces vigorously occupied. General Burnside will attempt his old route via Goldsborg', cutting the railroad at that point.

Since the siege of Charleston commenced, the Federals have thrown 30,000 -hells into and at Fort Sumter, 30,000 at the city, and some 70,000 at Wagner and Grezg - making over 100,000 shells, mostly eleven and fifteen inch, three hundred 200 and 100 pound Parrotts -a number that has to parallel in any siege of history, says the Columbia South Car olinian. Averaging the weight of shells at 150 pounds each, although they will come nearer 180 pounds, the aggregate would be 15,000,000 pounds of iron hurled against this devoted nest of rebellion

All the sutlers and their employees with the army of the Potomac, have been ordered to leave by the 16th inst, under the penalty of hard labor and confiscation of their property. This order has been issued, it is said in view of an early forward move-

ADVERTISE ENTS

Quartermaster s Department, (Raleigh, April 19, 1864

THIS DEPARTMENT HAS RECENTLY RECEIVED another supply of COTTON CARDS for distribution upon the same terms as before. The quota for each county will be double the quantity first distributed. Agents will make their arrangements accordingly.

April 20—1d&wtf.

All the papers in the State will please copy three times and orward bills to this office.

NAVY MINING BUREAU, C. S. N., WARRENTON, N. C., 18th April, 1864. MINERS WANTED.

THOSE PERSONS SKILLED IN THE BUSINESS A. B. FAIRFAX, C. S. N., by letter at Warrenton, or to Mej & Chief Q. M., Raleigh, N. C.

JOHN G. WILLIAMS, & CO. Stock and Money Brokers. RALEIGH, N. C

ONTINUE TO CARRY ON THE BROKERAGE BUSI-ness at their old stand as heretoforein all its various

EXECUTIVE DEPARTMENT NORTH CAROLINA. General Orders, No. 9

1. The following Extracts from General Orders from the Adjutant and Inspector General's Office, C.S. Army, Richmond. Va., concerning impressments, are published for the informa ADJUTANT AND INSPECTOR GENARAL'S OFFICE, RICHMOND, April 6, 1863.

General Orders, No 37

1. The following Acts of Congress concerning "Impress-ments" and the instructions of the War Department respec-ting it, are published for the information and direction of all SECTION 1. Whenever the exigencies of any army in the field are such as to make impressments of forage, articles of subsistence or other property absolutely necessary, then such impressments may be made by the officer or officers whose duty is to foreign whenever the content of the content

presentents may be made by the officer or officers whose duty it is to furnish such focage, art cles of subsistance or other property for such army. In cases where the owner o such property and the impressing officer cannot agree upon the value thereof, it shall be the duty of such impre sing officer, upon an affidavit in writing of the owner of such property, or his agent that such property was grown, raised or produced by said owner, or is held or has been purchased by him, not for sale or speculation, but for his own, here or consumption. sale or speculation, but for his own use or consumption, to cause the sam to be ascertained and determined by the judment of two loyal and disinterested citizens of the city, counment of two loval and disinterested citizens of the city, county, or parish in which such impressments may be made—one to be selected by the owner, one by the impressing officer; and in the event of their disagreement, these two shall choose an umpire of like qualifications, whose decision shall be final.—The persons thus selected, after taking an oath to appraise the property impressed fairly and imprivilly (which oath, as well as the affidavit provided for in this section, the impressing officer is hereby authorized to administer and certify,) shall proceed to assess just compensation for the property so impressed to assess just compensation for the property so im-

officer is hereby author zed to administer and certify,) shall proceed to assess just compensation for the property so impressed, whether the absolute ownership or the temperary use thereof only is required.

Sec. 2. I hat the officer or persons impressing property as aloresaid, shall, at the time of said taking, pay to the owner, his agent or attorney, the compensation fixed by said appraisers; and shall also give to the owner, or person controlling said property, a certificate over his official signature, specifying the battation, regiment, brig de, division or corps to which he belongs, that said property is essential for the use of the army, could not be otherwise procured, and was taken through absolute necessity; setting forth the time and place when and will retaken, the amount of compensation fixed by said apprais us, and the sum, if any paid for said Said certificate so the action of taking of said apprais is, and the sum, if any, para for said Said certificate shift be evidence for the owner as well of taking of said property for the paolic use as the right of the owner to the amount of compensation fixed as aforesaid. And in care said

officer or person taking said property shall have filled to pay the owner or his agent said compensation as herein before required, then said owner shall be a stilled to the speedy pay ment of the same by the proper disbursing officer; which, when so paid shall be in full satisfaction of all claim against

the government of the Corfe lerate States

SEC. 3. Whenever the appraisament provided for in the first section of this act shall, for any reason be impracticable at the time of said impressment, then and in that case the value of the property impressment, then and in that case the value of the property impressed shall be assessed as soon as possible by two loyal and disinterested citizens of the city, county or parish wherein the preparty was taken, chosen as follows: One by the owner, and one by the Commissary, Quarter caster General, or his agent, who, in ease of disagreement, shall choose a third citizen of like qualifications as an umpire to decide the matters in dispute, who shall be sworn as aforesaid, who shall hear the proofs ad uced by the parties as to the value of said property and assess a just compensation trerefor, according to the testimony.

SEC. 4 net whenever the Secretary of War shall be of the

opinion that it is necessary to take private property for public use, by reason of the impracticability of procuring the same by purchase, so as to accumulate necessary supplies for the arby purchase, so as to accumulate necessary supplies for the army, or the good of the service, in any locality, he may, by a general order, through the proper subordinate officers, and property to be taken for the public use; the compensation due the owner for the same to be determined and the value fixed as provided for in the first and second sections of this act.

of this act.
Sec 5. That it shall be the duty of the President, as earl. Sec 5. That it shall be the duty of the President, as early as practicable after the passage of this act, to appoint a commissioner in each State where property shall be taken for the public use, and request the Governor of such of the States in which the President shall appoint said commissioners, to appoint another commissioner, to act in conjunction with the commissioner appointed by the President, who shall receive the compensation of eight dol ars per day, and ten cents per mile as mileage, to be paid by the Confedente government.—Said commissioners shall constitute a board, whose duty it shall be to fix upon the prices to be paid by the government for all property impressed, or taken for the public use as a aforesaid, so as to afford such compensation to the owners for all property impressed, or taken for the public use as a aforesaid, so as to afford such compensation to the owners thereof. Said commissioners shall agree upon and publish a schedule of prices every two months, or oftener it they shall deem it proper; and in the event they shall not be able to agree in any matter confided to them in this act, they shall have ower to appoint an umpire to decide the matter in dispute, whose decision shall be the decision of the board; and said umpire shall receive the same rate of compensation for the time he shall serve, allowed to said commissioners respectively: Provided, That said commissioners shall be r sidents of the Stare for which they shall be appointed; and if the Governor of any State shall refuse or neglect to appoint said commissioners within ten days after a request to do so by the President, then the President shall appoint both commissioners, by and with the advice and consent of the Senate.

ers, by and with the advice and consent of the Senate.

EC. 6 That all property impressed or taken for the public use as aforesaid, in the hands of any person other than the persons who have raised, grown or produced the same, or persons holding the sale for their own use or consumption, and who shall make the affidavit as herein before required, shall be paid for according to the schedule of prices fixed by the commissioners as aforesaid. But if the officer impressing or taking from the public use such property, and the owner shall differ as to the quality of the article or property, impressed or taken as aforesaid, thereby making it tall within a higher or lower price named within the schedule, then the owner or agent and the officer impressing or taking as aforesaid, may select each a loyal and disinterested citizen of the qualifications as aforesaid, to determine the quality of said article or select each a loyal and disinterested citizen of the qualifications as aforesaid, to determine the quality of said article or property, who shall, in case of disagreement, appoint an unifie of like qualifications, and his decis on, if approved by the officer impressing, shall be final; but if not approved, the impressing officer shall send the award to the commissioners of the State where the property is impressed, with his reasons for disapproving the same, and said commissioners may hear such proofs as the parties may respectively adduce, and their decisions shall be final: Provided, That the owner may receive the price offered by the impressing officer, without prejudice to his clain to receive the higher compensation.

Sec. 7: That the property necessary for the support of the owner and his family, and to carry on his ordinary agricultual and mechanical business, to be ascertained by the appraisers, to be appointed as provided in the first section of this act, under oath, shall not be taken or impressed for the public use; and when the impressing officer and the owner cannot agree as to the quant ty of property necessary as afore-

not agree as to the quant tv of property necessary as afore-said, then the decision of the said appraisers shall be binding

on the officer and all other persons.

SEC. 8. Where property has been impressed for temporary use and is lost or descroyed, without the default of the owner, the government of the Confederate States shall pay a just the government of the Confederate States shall pay a just compensation therefor; to be ascertained by appraisers appointed and qualified as provided in the first section of this act. If such property when returned has, in the opinion of the owner, been injured whilst in the public use, the amount of dama re thereby sustained shall be determined in the manner described in the third section of t is act, the officer returning the property, being authorized to act on behalf of the government; and upon such inquiry the certificate of the value of the property, when required as property, when originally impressed, shall be

'PBIMA FACIE" evidence of the value thereof. SEC. 9. Sec. 10 SEC 11. That any commissioned or non-commissioned off. er or private who shall violate the provisions of this act, shall be tried before the military court of the corps to which he is on conviction, if an officer, h shall be cash ered and put into on conviction, it at officer of the ranks as a private; and if a non-complissioned officer of private, he shall suffer such punishment, not inconsistent with

II.—1. By the authority of the act of Congress aforesaid, the Secretary of War hereby recognizes impressments as a legal and operative mode of securing necessary supplies of subsistence, medical and quartermaster's stores for the armies of the Confederate States in the field, and to accumulate them in magazine-, posts and depots, owing to the impracticability of procuring them by contract.

procuring them by contract.

2. Impresements may be made under orders from Generals commanding armies, departments, corps, divisions, brigades, and by commanders of detached parties and posts, when a necessity arises; which orders may be executed by quartermasters, commissaries of medical purveyors and their subordinates, for their respective departments.

The Quartermast r General, Commissary General and Sur-

geon General may designate the officers and persons who may be competent to make impressments to accumulate supplies at posts and depots.

No officer or agent shall impress the necessary supplies which any person may have for the consumpt on of himself, his family, employees, slaves or to carry on his ordinary me-

his family, employees, slaves or to carry on his ordinary mech nical, manufacturing or agricultural employments.

4. Before any impressment of property shall take place, the impressing officer or his agent shall make an offer, addressed to the owner, his bailee or other agent, to purchase the or perty, describing the property he wishes to purchase, the price to be paid, and the mode of payment, whether in money or certificate, and stating that upon the refu-al of the price offered, that compensation for the property will be made according to the act of Congress aforesaid for the regulation of impressments which notice shall bind the said property until the completion of the negotiation for the sale or appropriation thereof, so that

of the negotiation for the sale or appropriation thereof, so that there can be no removal or transfer of the same. 6. That the property shall remain in the possession of the owner, his bailes or agent, and at his risk, during the pendency of the proceedings, for the ascertainment of the compensation, unless it shall be otherwise agreed to, or unless some urgent necessity shall require the possession of the property to be changed. In case of a change of possession, the Confederate States shall be regarded at the owners of the Confederate.

ate States shall be regarded as the owner, and the property shall be held for their account and risk.

7. The impressing officer shall, at the te of the impressment, pay to the owner, his agent or attorney in fact, he compensation agreed upon, if it be practicable; but if he cannot do so he shall give a certificate according to the second section. of the act aforesaid; which shall be paid u on presentation to the disbursing officers, who shall be designated for that pur-

to make impresements shall conform to the provisions of this order, in respect to impresements hereafter to be made, and

S. COOPER, Adjutant and Inspector General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE, Richmond, December 10, 1863

General Orders, No. 161. All officers and agents who have been or shall be empowered

order, in respect to impressments hereafter to be made, and also in cases where the property may have been heretofore taken, and the price has not been fully adjusted.

I. In the event of the refusal of the price offered by the owner, his bailee, or other agent, the impressing officer shall proceed to settle the compensation to be fixed according to the first section of the act. March 23, 1863, if the property impressed belongs to an owner who has grown, raised or produced the same, or who holds or has purchased the same for his own use or consumption; but if the property impressed has not been grown, raised or produced by the owner, nor been purchased for his own use or consumption, it shall be the duty of the impressing officer to offer the price fixed by the commissioners who may be appointed under the 5th section of the act of Congress of the 26th March, 1863, to regulate impressments; and if the owner shall object to receive the said price as not oeing a just compensation, it shall be the duty of the impressing officer to cause the value to be ascertained by the appointment. officer to cause the value to b) ascertained by the appointment of a board s milar to that designated in the first section of the act aforesaid; that is, by the judgment of two loyal and disinterested citizens of the county or parish in which such impressments may be made, me to be selected by the owner and one by the impressing officer, and, in the event of their disagreement, these two shall choose an umpire of like qualificaagreement, these two shall choose an unpire of the quantications. The persons thus selected shall proceed to assess just comper sation for the property so impressed, whether the absolute ownership, or the temporary use thereof only is required: Provided, nowever, if the impressing officer in any of the cases mentioned shall believe that the appraisament is fair or just he shall and one way it is a warry and the matter in just, he shall endorse upon it his approval, and the property in the object impressed shall ther upon be vested in the Confed-erate States; but if he does not approve the appraisement as erate States; but if he does not approve the appraisement as aforesaid, he shall endorse upon the appraisement his objection thereto, and deliver the same with a receipt for the property impressed to the owner, his bailee, agent or attorney, and as soon as practicable forward a copy of the receipt and appraisement, and his endorsement thereon to the Board of Appraisers, appointed by the President and Governor of the State, who shall revise he same and make a fault religious as to give

shall revise he same and make a final valuation, so as to give just compensation for the property taken, which valuation shall be paid by the proper department for the use of which the property was taken on the certificate of the appraisers, as provided in the acts of Congress on this subject. Adjutant and Inspector Gene al. II. The utter disregard on the part of the impressing officers agents in many parts of the State to the requirements of the foregoing orders compels the adoption of steps for their enforcement as a protection to the citizens. To this end it is made the duty of all Malitia and Home Guard officers to arrest any officer or agent who in making impressments fails to comply with them in every particular; and they will also arrest any person who attempts to make impressments without proper antipority. For this engages, they are hereby ordered to call authority. For this purpose they are hereby ordered to call out when necessary the whole force of their commands, and

out when necessary the whole force of their commands, and should this force be insufficient they will report the fact to this office immediately. Persons arrested under this order will be taken to the nearest camp or station of the Confederate troops and turned over to the commanding officer, with an attested statement of the misconduct charged, by the officer making the arrest, who shall at the same time forward a copy of said charges, to this officer.